



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Local 1386/Portsmouth City Employees

Complainant

v.

City of Portsmouth

Respondent

Case No. A-0411-58

Decision No. 2005-032

ORDER

Pursuant to a written settlement agreement, submitted to the Board and signed by both the representative for the complainant and the representative for the respondent, its terms are hereby incorporated and made a part of this order as follows:

Memorandum of Agreement

1. The City agrees to cooperate with Local 1386 in the selection of an arbitrator and the scheduling of an arbitration date for A-0411-51 (Downtown Cleaning Grievance).
2. The parties will attempt in good faith to select an arbitrator from the lists issued by the PELRB on or about November 9, 2004, and failing said selection, shall ask the PELRB for a new list. Failing agreement of an arbitrator on said new list, the PELRB shall select the arbitrator.
3. The parties agree that the arbitrator shall be authorized to decide issues of arbitrability.
4. The parties agree that the arbitrator will hear both the arbitrability issues and the substantive merits of the grievance on the same hearing date.
5. This case will remain open until April 1, 2005. Prior to that date, either party may request the assistance of the PELRB to resolve issues that may arise in the selection of an arbitrator or scheduling of the arbitration

hearing. If neither party has requested further assistance by April 1, 2005, the case will be closed administratively.

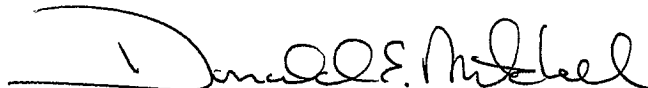
Katherine McClure
For Local 1386

Thomas J. Flygare
For the City

Dated: 3/2/05

Dated: 3/1/05

Signed this 9th day of March, 2005.



DONALD E. MITCHELL
Executive Director

Distribution: Katherine McClure, Esq.
Thomas J. Flygare, Esq.